No. 6292-3Lab-68:19361.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act. No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s Northern India Plywood, 12-3, Mathura Road, Faridabad :—

BEFORE SHRIP, N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 16 of 1968

between

SHRI MADHUKAR JYADEV, WORKMAN AND THE MANAGEMENT OF M/S NORTHERN INDIA PLYWOOD, 12/3, MATHURA ROAD, FARIDABAD

Present: -

Shri A. R. Handa, for the workman.

Shri S. L. Gupta, for the management, AWARD

Shri Madhukar Jyadev was in the service of M/s Northern India Plywoods Mathura Road Faridabad. He claims that he was on sick leave from 25th October, 1967 to 7th November, 1967, due to accident and thereafter his name was wrongfully struck off from the muster roll. This gave rise to an industrial dispute and the President of India in exercise of the powers conferred by clause (c) of subsection (l) of section 10 of the Industrial Disputes Act, 1947, referred the following disputes to this Court for adjudication,—vide Government Gazette Notification No. ID/FD/259D dated 30th January, 1968.

Whether the termination of services of Shri Madhukar Jyadev was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the workman and the management to file the statement of claim and the rejoinder to the same. The case was fixed for 5th March, 1968. A number of opportunities have been given to the workman to file his statement of claim. On 20th May, 1968, his representative, Shri A. R. Handa, appeared and requested for an adjournment to enable him to obtain instructions from the workman. It appears that the workman is not interested in pursuing his case because even his representative has not been able to obtain any instructions from him during the period of a month and a half. His representative Shri A. R. Handa made a statement on 4th July, 1968 that he has not been able to contact the workman and he has no instructions. Since the workman has not produced any evidence in support of his claim, it must be held that the termination of the services is not proved to be wrongful and he is not entitled to any relief.

Dated 7th August, 1968.

P. N. THUKRAL, Presiding Officer, Labour Court, Faridabad.

No. 1198, dated, Faridabad, the 10th July, 1968

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 8th July, 1968.

P. N. THUKRAL,

Presiding Officer, Labour Court, Faridahad.

No. 6291-3Lab-68/19435.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s Technohardware Industry (P.) Ltd., N. I. F. Faridabad.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 135 of 1967

between

SHRI JAI CHAND, WORKMAN, AND THE MANAGEMENT OF M/S TECHNOHARDWARE INDUSTRY (P.) LTD., N. I. T., FARIDABAD

Present -

Shri Roshan Lal Sharma, for the workman.

Nemo for the management.

AWARD

Shri Jai Chand was in the service of M's Technohardware Industry (P) Ltd., N. I. T., Faridabad. He claims that he has been wrongfully dismissed from service. This gave rise to an industrial dispute and the President of India in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—vide Government Gazette notification No. ID/FDD/138B, dated 22nd December, 1967.

Whether the termination of services of Shri Jai Chand was justified and in order. If not to what relief is he entitled?

On receipt of the reference usual notices were issued to the workman and the management to file a statement of claim and the rejoinder to the same. Shri Jai Chand filed his claim statement but no body appeared on behalf of the management. A letter, dated 20th December, 1968 purporting to have been sent by the management was received in which it was stated that there was no dispute between the management and the labour and the labourers whose services were terminated had signed a letter of complomise and all their dues had been cleared. It was further stated that their representative would attend the Court on the date fixed, i.e., 19th March, 1968. This date was later on changed due to the change in the tour programme and notice under registered cover was served upon the management calling upon them to appear in the Court on 21st May, 1968 but inspite of the services of the nanagement calling upon them to appear in the Court on 21st May, 1968 but inspite of the services of the nanagement calling upon them to appear in the Court on 21st May, 1968 but inspite of the services of the nanagement on 2nd October, 1967 his services were terminated without given him any order in writing or an opportunities to enable him to show cause as to why he be not removed from service. In reply to the Court Question the workman stated that he had not compromised the dispute although his signatures were taken on certain parers. Since the management have not led any evidence to rebut the swom testimony of the workman, it must be held that the termination of his services was not justified and he is entitled to be reinstated with full back wages.

Dated the 8th July, 1968.

P. N. THURRAL,

Presiding Officer,

Labour Court, Faridabad.

No. 1197, dated Faridabad, the 10th July, 1968.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 8th July, 1968.

P. N. THUKRAL,

Presiding Officer,

Labour Court, Rohtak,

No. 6887-3Lab-68/19537.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the disputes between the workmen and management of M/s National Industries. Corporation, Panipat.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

REFERENCE NO. 133 OF 1967

between

THE WORKMEN AND THE MANAGEMENT OF M/S NATIONAL INDUSTRIES CORPORATION. PANIPAT

Present :

Shri Raghbir Singh, for the workmen. Shri Roshan Lal, for the management.

AWARD

On 30th April, 1966 the management gave a notice of retrenchment to 16 of their workmen. This led to an agitation in the factory because the workmen concerned did not accept the notice of retrenchment gracefully and they staged a Dharna out side the gate of the factory and raised all sorts of provocative slogans. It is alleged that the 18 workmen whose names are mentioned in the order of reference and are reproduce below also participated in this agitation and did not attend to their duties. The management therefore issued an order dated 25th July, 1966 that the 18 workmen had taken part in a strike in connection with the agitation of the retrenched worker which was illegal and therefore the period for which they had remained on strike would be considered as a break in their

continuous service for the purpose of section 79 of the Factories Act. This order gave rise to an industrial dispute and the President of India in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication, vide Government Gazette Notification No. ID NM/PNT/67, dated 12th December, 1967.

Whether the orders of the management No. NIC/893/66 and NIC/832/66, dated 13th July, 1966 and 25th June, 1966 respectively on the following workmen was justified and in order. In either case what relief and compensation are they entitled to:—

- 1. Shri Madan Mohan.
- 3. Shri Gurdev Raj.
- 3. Shri Dhupa Singh.
- 4. Shri Om Parkash.
- 5. Shri Gopal.
- 6. Shri Ram Parkash.
- 7. Shri Kalwinder Singh.
- 8. Shri Ram Dhan.
- 9. Shri Karan Singh,
- 10. Shri Manohar Lal.
- 11. Shri Hargoo Lal.
- 11. Shri Chaman Lal.
- 11. Shri Dharam Paul.
- 14. Shri Nihal Chand.
- 15. Shri Shugan Chand.
- 16. Shri Nanoo Ram.
- 17. Shri Mangal Singh.18. Shri Hukam Chand.

On receipt of the reference usual notices were issued to the parties in response to which the workmen filed their statement of claim and the management filed their rejoinder to the same. It is not necessary to decide the case on merits because the representative of the management has made a statement that on re-considering the matter the management have decided that the absence of the claimants could not affect any break in their service and they would be simply considered absent without leave. The representative of the market made a statement that the claimants did not press for any other relief. In view of the statement of the representatives of the parties I hold that the order, dated 25th July, 1966 by which the workmen were informed that the period of their absence would be considered as break in their continuous service for the purpose of section 79 of the Factories. Act is not justified and in order. As regards the order, dated 13th July, 1966, the representative of the parties are agreed that this order did not effect the right of any of the parties because by this letter the management simply called upon the workmen concerned to explain as to why they had participated in the strike and, therefore, it is not necessary to adjudicate upon the validity of this order. I give my award accordingly.

Dated the 20th July, 1968.

P. N. THUKRAL.

Presiding Officer, Labour Court, Faridabad.

No. 1320, dated 24th July, 1968.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act,, 1947.

Dated the 20th July, 1968

P. N. THUKRAL,

Presiding Officer, Labour Court, Faridabad.

No 6884-3Lab-68/19678.—In p: rsuance of the provisions of section 17 of the Industrial Disputes Act, 1917 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Coart, Faridabad, in respect of the dispute between the workmen and management of M/s Karnal-Kaithal, Co-operative Transport Society Ltd., Karnal.

BEFORE SHRIP. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

REFERENCE NO. 1 OF 1968

Between

SHRI BHIM BAHADUR. WORKMAN AND THE MANAGEMENT OF M/S KARNAL-KAITHAL CO-OPERATIVE TRANSPORT SOCIETY LTD., KARNAL

Present.-Shri Harbans Lal, for the workman.

Shri Ram Lal Chaudhary, for the management.

AWARD

Shri Bhim Bahadur was in the service of M/s Karnal-Kaithal Co-operative Transport Society Ltd. Karnal. His services were terminated and this gave rise to an industrial dispute and the President of India, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947, referred the following dispute to this Court, for adjudication ,—wide GOVERNMENT GAZETTE Notification No. ID/KL/9-B/67, dated 1st January, 1968.

Whether the termination of services of Shri Bhim Bahadur was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which the workman filed his statement of claim and the management filed their written statement. It is not necessary to decide the case on merits because a compromise has been affected between the parties. Accordingly their statements have been recorded. The management have agreed to take back the claimant into their service on permanent basis from today at Rs 75 per mensem. According to the management the claimant was proviously at daily rated worker and it is agreed that the management would pay Rs 300 to the claimant in full and final settlement of all his claim upto date and it is agreed that the claimant has no other claim against the management. For the future he will of course be entitled to any other benefits if any which are given to the workman under any future agreement arrived at between the management and the workman. It has also been agreed that the claimant would be posted at Kaithal in place of a temporary workmen who is at present employed there and whose services would be terminated in order to accommodate the claimant who would report for duty forthwith. I give my award accordingly. No order as to costs.

P. N. THUKRAL,

Dated 19th July, 1968.

Presiding Officer, Labour Court, Faridabad.

No. 1280, dated 23rd July, 1968

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKLAL,

Dated 19th July, 1968.

Presiding Officer, Labour Court, Faridabad.

The 5th August, 1968

No. 6883-3Lab-68/19680.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s Karnal-Kaithal Co-operative Transport Society Ltd., Karnal:—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

REFERENCE No. 88 OF 1967

between

SHRI TARA SINGH, WORKMAN AND THE MANAGEMENT OF M S KARNAL-KAITHAL CO-OPERATIVE TRANSPORT SOCIETY LTD., KARNAL

Present.—Shri Harbans Lal, for the workman.

Shri Ram Lal Chaudhary, for the management.

AWARD

Shri Tara Singh claims that he was in the service of M/s Karnal-Kaithal Co-operative Transport Society Ltd., Karnal, and his services have been wrongly terminated. This gave rise to an industrial dispute and the Governor of Haryana in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—vide Government Gazitte Notification No. 365-SFIII-Lab-67/, dated 7th September, 1967:—

Whether the termination of services of Shri Tara Singh, Tyreman, was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which the workman filed his statement of claim and the management filed their written statement. It is not necessary to decide this case on merits because a compromise has been effected between the parties. The workmen has given up his claim for reinstatement, back wages and all other claims and the management had agreed to give him Rs 700 in full and final settelment of all his claims against them. A sum of Rs 700 would be paid to the workmen within a week from today. I give my award accordingly. No order as to cost.

P. N. THUKRAL,

Dated 19th July, 1968.

Presiding Officer, Labour Court, Faridabad.

No. 1281, dated the 23rd July, 1968

Forwarded (four) copies to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Dated 19th July, 1968.

Presiding Officer, Labour Court, Faridabad.

No. 7153-3 Lab-68/19683.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s Usha Forging and Stamping Ltd., Faridabad:—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 25 of 1968

Between

SHRI K. L. BHATIA. WORKMAN AND THE MANAGEMENT OF M/S USHA FORGING AND STAMPING LTD., FARIDABAD

Present-

Shri Roshan Lal Sharma, for the claimant.

Shri S. L. Gupta, for the management.

AWARD

Shri K. L. Bhatia was appointed as a Assistant Foreman Machineshop in the respondent concern on probation with effect from 1st August, 1966. His services were terminated on 8th July, 1967. This gave rise to an industrial dispute and the President of India in exercise of the powers conferred by clause (c) of subsection (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—ride Governmenta General Notification No. 1D FD 300D , dated the 29th February, 1968.

Whether the termination of services of Shri K. L. Bhatia was justified and in order? If not, to what relief is he entitled?

On receipt of the references usual notices were issued to the parties in response to which the workman filed his statement of claim and the management filed their written statement. A preliminary objection taken on behalf of the management is that the claimant is a member of the managerial staff and was not a workman as defined in the Industrial Disputes Act. It is firther pleaded that the claimant alone is aggrieved by reason of the termination of his services and there is no industrial dispute between the workmen and the management. On ments it is pleaded that the services of the claimant were terminated because he was surplus in the organisation. It is further pleaded that the claimant was still on probation having less than one year service and therefore his services could be terminated at any time. Moreover he calculated his dues from the Company in full and final settlement of his claim and therefore there was no dispute between the parties. The pleadings of the parties gave rise to the following issues:—

- 1. Whether the reference is illegal?
- 2. Whether the claimant was a member of the managerial staff and as such not a workman.
- 3. Whether the claimant was on probation when his services were terminated.
- 4. Whether the claimant has since collected his full and final dues and there is no dispute between the parties.
- 5. If the above issues are found in favour of the workman whether the termination of his services was justified and in order? If not to what relief he is entitled?

Issue No. 1.—Section 2-A of the Industrial Disputes Act lays down that where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwith-standing that no other workman nor any union of workmen is a party to the dispute. It is, therefore, clear that a dispute between an individual workman and the management is deemed to be an industrial dispute even if no other workman is interested and the reference cannot therefore be said to be wrongly worded, or illegal. I find this issue in favour of the workman.

Issue No. 2. Shri Bhatia claimant has stated that his emoluments were Rs 450 per mensem only. The letter of appointment marked Exhibit M. 2 filed on behalf of the management also supports this ascertion. Sub-clause (iv) of clause (s) of section 2 of the Industrial Disputes Act, lays down that a person employed in a managerial capacity would not be covered by definition of the workman if his wages exceed Rs 500 per mensem. Further there is no evidence that the claimant was employed mainly in a managerial or an administrative capacity. He must, therefore, be deemed to be a workman as defined in the industrial Disputes Act. I find this issue also in favour of the claimant.

Issue No. 3.—The claimant was appointed as an Assistant Foreman machineshop with effect from 1st August, 1966 on probation for a period of six months,—vide letter of appointment Exhibit M.1. No evidence has been produced to show that the period of probation was extended or that under the standing rules, he was to be deemed to remain on probation till confirmed. According to the terms and conditions of the employment the period of probation was only for a period of six months and it cannot therefore be said that the applicant was on probation till 8th July, 1967 when his services were terminated. I find this issue in favour of the workman.

Issue No 4.—Shri Dharam Pal M. I W. 2 Cashier of the respondent concern states that he claimant was paid Rs 159.68 in full and final settlement of all his dues, -vide voucher Exhibit M. 1. The claimant himself in his evidence admits that he received the amount in question and signed the vouchers. He has however, explained that the payment of his salary used to be delayed by some months and in order to get his salary he signed at two or three places. The claimant is not an illiterate person. He was appointed as an Assistant Foreman at Rs 450 per mensum and it cannot therefore be believe that he did not know what paper he was signing. The voucher M. 1 clearly indicate that the payment was being made in full and final settlement. I therefore find this issue in favour of the management.

On the previous date fixed for hearing the representative of the management pointed out that the claimant had worked for 240 days during the period of one year and therefore he was entitled to retrenchment compensation before his services could be terminated on the ground that he had become surplus and since the retrenchment compensation has not been paid to him, it cannot be said that the full amount due to the claimant was paid when his services were terminated and for this reason the termination of his service was not justified. The learned representative of the management in reply had pointed out that the claimant was appointed on 1st August, 1966 and his services were terminated on 18th July, 1967 i.e., before the expiry of one year and under these circumstances the applicant was not entitled to any retrenchment compensation because under the provisions of Section 25(b) of the Industrial Disputes Act, a workman is deemed to be incontinuous service for a period of one year only if he during the period of 12 calander months preceding the date with reference to which calculation is to be made has actually worked for a period of not less than 240 days. The applicant has also not led any evidence to show that he actually attended to his duty for a period of 240 days during the period of his services. I therefore hold that the termination of his services is proved to be justified and in order. I give my award accordingly. No order as to cost.

Dated 29th July, 1968.

P. N. THUKRAL,

Presiding Officer, Labour Court, Faridabad.

No. 1372, dated Chandigarh, 30th July, 1968.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required by section 15 of the Industrial Disputes Act, 1947.

Dated 29th July, 1968.

P. N. THUKRAL,

Presiding Officer, Labour Court, Faridabad.

No. 7099-3Lab-68:19916.—In pursuance of the provisions of section 17 of the Industrial Disjutes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the

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Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and management of M'S Municipal Committee, Yamuna Nagar ; --

BEFORE SHRIP, N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD.

COMPLAINT NO. 1 OF 1967.

Between

Shri O. P. Bakshi workman and the management of M/S Municipal Committee, Yamuna Nagar.

Present:-

Part 11

Shri Madhu Sudan Saran Gowshish for the workman.

Nemo for the management.

AWARD

The applicant Shri O. P. Bakshi is employed as a Superintendent Water Works in the Municipal Committee, Yamuna Nagar. He is not being paid the salary which according to him he is entitled to get. He has therefore filed a complaint under section 33A of the Industrial Disputes Act. A preliminary question which therefore arose for determination is whether a complaint under section 33A of the Industrial Disputes Act is competent under the circumstances of the case.

The applicant Shri O.P. Bakshi has filed a separate application under sub-section (2) of section 3°C of the Industrial Dispute Act for the computation of the amount which according to him he is entitled to get. He has not shown how the present application is competent. It is, therefore, hereby dismissed on this technical ground.

P. N. THUKRAL,

Presiding Officer, Labour Court, Faridabad

Dated the 24th July, 1968.

No. 1368, dated the 29th July, 1968.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 read with section 32-A of the Industrial Disputes Act, 1947.

Dated the 24th July 1963.

Serial

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Bakelite Moulder

P. N. THUKRAL,

Presiding Officer, Labour Court, Faridabad.

All inclusive minimum wages per

mensem

The 7th August, 1968

No. S.O. 7165-CA11 48 S-5/68.—In exercise of the powers conferred by sub-section (2) of section 5 of the Minimum Wages Act, 1948 (Central Act XI of 1948), the Governor of Hasyana, after considering the advice of the Committee appointed under clause (a) of sub-section (1) of the said section, hereby revises with effect from the date of publication of this notification, the minimum sates of wages (all inclusive) fixed in respect of the employment in Scientific Industry,—vide entwhile Punjab Government notification No. SO-199 (CA-11/48 S-5 63, dated the 16th May, 1963 as follows:—

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No.	Caregory of the territory	m
	SKILLED	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Turners Fitters Shapping and Planning Man Milling Man Electroplater Carpenters Blacksmith Electrician Die Maker Glass Blower Painter Foundryman Glass Graduator Machine Graduator Pattern Makers Chart Tracers Welder Model Maker or Clay Maker Tin Smith	Rs. 120.00 per mensem
20 21 22	Taxi Do:mist Resistance Instrument Machine Mechanic Electronic Instrument Machine Machanic	

Category of Workers

Rs 125.00 per mensem

Car Driver/Truck Driver

2